IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 19745 of 2007(A)

PETITIONER:

P.GIRISH,SANTHOSH GIRI,ELATHUR,
KOYILANDY,VATAKARA,KOZHIKODE DISTRICT.

BY ADV. SRI.L.MURALEEDHARAN
SRI.SAJU J.VALLYARA

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
VATAKARA,KOZHIKODE DISTRICT,REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,REGIONAL TRANSPORT AUTHORITY,VATAKARA,KOZHIKODE DISTRICT.

3. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C.,KOZHIKODE.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 19745/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF THE REGULAR PERMIT ISSUED ON 25.8.05.

EXT.P2: PHOTOCOPY OF the JUDGMENT IN WPC NO.36239/05 DATED 26.5.06.

EXT.P3: PHOTOCOPY OF THE PROCEEDINGS OF THE RTA, KANNUR DATED 22.7.06 VIDE ITEM NO.14(22).

EXT.P4: PHOTOCOPY OF THE PROCEEDINGS OF the FIRST RESPONDENT DATED 15.7.2006 VIDE ITEM NO.114.

EXT.P5: PHOTOCOPY OF THE JUDGMENT INMVAA NO.452/2006 DATED 28.9.2006 PASSED BY THE STAT.

EXT.P6: PHOTOCOPY OF THE PROCEEDINGS OF THE FIRST DATED 25.4.2007 VIDE ITEM NO.248.

EXT.P7: PHOTOCOPY OF THE JUDGMENT IN WPC NO.29778/05 DATED 9.11.2005.

EXT.P8: PHOTOCOPY OF THE INTERIM ORDER IN WPC NO.36239/05 DATED 23.1.2006.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 19745 OF 2007
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Dated this the 18th day of September, 2007

J U D G M E N T

By Ext.P4, an application made by the petitioner for renewal of his regular permit to operate on the route Kozhikode-Kannur as LSOS was rejected by the RTA and in appeal filed by him before the Tribunal, the matter was remanded as per Ext.P5. The Tribunal directed the RTA to reconsider the matter in the light of the notification dated 9/5/06. The matter was reconsidered and was rejected by the RTA in the light of the said notification as per Ext.P6 order. Now that the notification has been replaced by a notification dated 9/5/07, the petitioner seeks reconsideration of Ext.P6 by the 1st respondent. When Ext.P6 was issued on 25/4/2007, the notification dated 9.5.06 governed the field and hence the rejection of his application cannot be said to be wrong. But now, petitioner

claims the benefit of an existing operator in terms of the notification dated 9/5/07. If he is so entitled for such a benefit as per the 9/5/07 notification, there is no reason why such claim should not be considered.

2. Accordingly, I dispose of this writ petition quashing Exhibits P5 and P6 and directing the 1st respondent to reconsider the application of the petitioner in the light of the notification dated 9/5/07. Orders as above shall be passed within eight weeks of receipt of a copy of this judgment. While passing orders as above, the objection of the KSRTC shall also be heard.

Petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp